



DEPARTMENT OF COMMERCE

**International Trade Administration**

**[A-570-073]**

**Common Alloy Aluminum Sheet from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2020-2021**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) preliminarily determines that certain companies under review sold subject merchandise at less than normal value during the period of review (POR), February 1, 2020, through January 31, 2021. Interested parties are invited to comment on these preliminary results of this review.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Frank Schmitt, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4880.

**SUPPLEMENTARY INFORMATION:**

Background

On April 1, 2021, in response to review requests from multiple parties, Commerce initiated an administrative review of the antidumping duty order on common alloy aluminum sheet (CAAS) from the People's Republic of China (China).<sup>1</sup> The POR is February 1, 2020, through January 31, 2021.

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 86 FR 17124 (April 1, 2021).

On May 18, 2021, Commerce selected one exporter for individual examination as a mandatory respondent, Jiangsu Alcha Aluminum Co., Ltd.<sup>2</sup> In the 2018-2020 administrative review of this antidumping duty order Commerce determined that Jiangsu Alcha Aluminum Co., Ltd., Baotou Alcha Aluminum Co., Ltd. (Baotou Alcha), and Alcha International Holdings Limited (Alcha International) should be treated as a single entity.<sup>3</sup> Additionally, Commerce determined that Jiangsu Alcha Aluminum Group Co., Ltd. (Jiangsu Alcha) is the successor-in-interest to Jiangsu Alcha Aluminum Co., Ltd.<sup>4</sup> Therefore, the mandatory respondent in the current administrative review is the entity of Jiangsu Alcha, Baotou Alcha, and Alcha International (collectively, Alcha).

During the course of this review, Alcha filed responses to Commerce's questionnaires and supplemental questionnaires, and the Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group and its individual members<sup>5</sup> (the domestic industry) commented on those responses. On October 14, 2021, Commerce extended the time limit for completing the preliminary results of this review, until February 25, 2022.<sup>6</sup>

For details regarding the events that occurred subsequent to the initiation of the review, *see* the Preliminary Decision Memorandum.<sup>7</sup> A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and

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<sup>2</sup> *See* Memorandum, "2020-2021 Antidumping Administrative Review of Common Alloy Aluminum Sheet from the People's Republic of China: Respondent Selection," dated May 18, 2021.

<sup>3</sup> *See Common Alloy Aluminum Sheet from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, Final Successor-In-Interest Determination, and Final Determination of No shipments; 2018-2020*, 86 FR 74066 (December 29, 2021).

<sup>4</sup> *Id.*

<sup>5</sup> The individual members of the Aluminum Association Common Alloy Aluminum Sheet Trade Enforcement Working Group are: Aleris Rolled Products Inc., Arconic Corporation, Commonwealth Rolled Products, Inc., Constellium Rolled Products Ravenswood, LLC, Jupiter Aluminum Corporation, JW Aluminum Company, and Novelis Corporation.

<sup>6</sup> *See* Memorandum, "2020-2021 Administrative Review of the Antidumping Duty Order on Common Alloy Aluminum Sheet from the People's Republic of China: Extension of Deadline for Preliminary Results," dated October 14, 2021.

<sup>7</sup> *See* Memorandum, "Decision Memorandum for the Preliminary Results of the 2020-2021 Antidumping Duty Administrative Review of Common Alloy Aluminum Sheet from the People's Republic of China," issued concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be found at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

### Scope of the Order

The merchandise covered by the order is common alloy aluminum sheet from China. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

### Separate Rates

We preliminarily determine that the information placed on the record by Jiangsu Alcha, Alcha International, and Yinbang Clad Material Co., Ltd. (Yinbang Clad) demonstrates that these companies are eligible for a separate rate. No companies under review have been preliminarily determined to be ineligible for a separate rate. For additional information regarding Commerce's preliminary separate rates determinations, *see* the Preliminary Decision Memorandum.

### Dumping Margins for Separate Rate Companies

The statute and Commerce's regulations do not address what rate to apply to respondents not selected for individual examination when Commerce limits its examination in an administrative review, pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance when calculating the rate for non-selected respondents that are not examined individually in an administrative review. Section 735(c)(5)(A) of the Act states that the all-others rate should be calculated by averaging the weighted-average dumping margins for individually examined respondents, excluding rates that are zero, *de minimis*, or based entirely on facts available. Where the rates for the individually examined companies are all zero, *de minimis*, or based entirely on facts available, section 735(c)(5)(B) of the Act provides that Commerce may use "any reasonable method" to establish the all-others rate. In this review, we

calculated a rate for Alcha that is not zero, *de minimis*, or based entirely on facts available. Therefore, we have assigned this rate to Yinbang Clad, the only company not selected for individual examination in this review that is eligible for a separate rate.

### Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(B) of the Act. In determining the dumping margins in this review, we calculated export and constructed export prices in accordance with section 772 of the Act. Because Commerce has determined that China is a nonmarket economy country,<sup>8</sup> within the meaning of section 771(18) of the Act, Commerce calculated normal value in accordance with section 773(c) of the Act.

For a full description of the methodology underlying the preliminary results of this review, *see* the Preliminary Decision Memorandum.

### Preliminary Results of Review

We are preliminarily assigning the following dumping margins to the firms listed below for the period February 1, 2020, through January 31, 2021:

<b>Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Jiangsu Alcha Aluminum Group Co., Ltd. / Baotou Alcha Aluminum Co., Ltd. / Alcha International Holdings Limited	39.10
Yinbang Clad Material Co., Ltd.	39.10

### Disclosure and Public Comment

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the *Federal Register* in accordance with 19 CFR 351.224(b). Interested parties may submit case

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<sup>8</sup> See *Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination*, 82 FR 50858, 50861 (November 2, 2017) (citing Memorandum, "China's Status as a Non-Market Economy," dated October 26, 2017), unchanged in *Certain Aluminum Foil from the People's Republic of China: Final Determination of Sales at Less Than Fair Value*, 83 FR 9282 (March 5, 2018).

briefs no later than 30 days after the date of publication of these preliminary results of review in the *Federal Register*.<sup>9</sup> Rebuttal briefs may be filed no later than seven days after case briefs are due and may respond only to arguments raised in the case briefs.<sup>10</sup> A table of contents, list of authorities used, and an executive summary of issues should accompany any briefs submitted to Commerce. The summary should be limited to five pages total, including footnotes.<sup>11</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice in the *Federal Register*.<sup>12</sup> Requests should contain the party's name, address, and telephone number, the number of individuals from the requesting party's firm that will attend the hearing, and a list of the issues the party intends to discuss at the hearing. Oral arguments at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.<sup>13</sup> Parties should confirm by telephone the date and time of the hearing two days before the scheduled date of the hearing.

All submissions must be filed electronically using ACCESS.<sup>14</sup> An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time (ET) on the due date.<sup>15</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information until further notice.<sup>16</sup> Unless otherwise extended, Commerce intends to issue the final results of this administrative review, which will include the results of its analysis of issues

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<sup>9</sup> See 19 CFR 351.309(c)(ii).

<sup>10</sup> See 19 CFR 351.309(d).

<sup>11</sup> See 19 CFR 351.309(c)(2), (d)(2).

<sup>12</sup> See 19 CFR 351.310(c).

<sup>13</sup> See 19 CFR 351.310(d).

<sup>14</sup> See generally 19 CFR 351.303.

<sup>15</sup> See 19 CFR 351.303 (for general filing requirements); see also *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

<sup>16</sup> See *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 29615 (May 18, 2020); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020).

raised in any briefs, within 120 days of publication of these preliminary results of review in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuance of the final results of this review, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.<sup>17</sup> Commerce intends to issue assessment instructions to CBP no earlier than 35 days after date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For each individually examined respondent in this review whose weighted-average dumping margin in the final results of review is not zero or *de minimis* (*i.e.*, less than 0.5 percent), Commerce intends to calculate importer/customer-specific assessment rates.<sup>18</sup> Where the respondent reported reliable entered values, Commerce intends to calculate importer/customer-specific *ad valorem* assessment rates by aggregating the amount of dumping calculated for all U.S. sales to the importer/customer and dividing this amount by the total entered value of the merchandise sold to the importer/customer.<sup>19</sup> Where the respondent did not report entered values, Commerce will calculate importer/customer-specific assessment rates by dividing the amount of dumping for reviewed sales to the importer/customer by the total quantity of those sales. Commerce will calculate an estimated *ad valorem* importer/customer-specific assessment rate to determine whether the per-unit assessment rate is *de minimis*; however, Commerce will use the per-unit assessment rate where entered values were not reported.<sup>20</sup> Where an importer/customer-specific *ad valorem* assessment rate is not zero or *de minimis*,

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<sup>17</sup> See 19 CFR 351.212(b)(1).

<sup>18</sup> See 19 CFR 351.212(b)(1).

<sup>19</sup> See 19 CFR 351.212(b)(1).

<sup>20</sup> *Id.*

Commerce will instruct CBP to collect the appropriate duties at the time of liquidation. Where either the respondent's weighted average dumping margin is zero or *de minimis*, or an importer/customer-specific *ad valorem* assessment rate is zero or *de minimis*, Commerce will instruct CBP to liquidate appropriate entries without regard to antidumping duties.<sup>21</sup>

For the respondents that were not selected for individual examination in this administrative review, but which qualified for a separate rate, the assessment rate will be based on the weighted-average dumping margin(s) assigned to the respondent(s), as appropriate, in the final results of this review.<sup>22</sup>

Pursuant to Commerce's refinement to its practice, for sales that were not reported in the U.S. sales database submitted by an exporter individually examined during this review, Commerce will instruct CBP to liquidate the entry of such merchandise at the dumping margin for the China-wide entity.<sup>23</sup> Additionally, where Commerce determines that an exporter under review had no shipments of subject merchandise to the United States during the POR, any suspended entries of subject merchandise that entered under that exporter's CBP case number during the POR will be liquidated at the dumping margin for the China-wide entity.

In accordance with section 751(a)(2)(C) of the Act, the final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated antidumping duties, where applicable.

#### Cash Deposit Requirements

Commerce will instruct CBP to require a cash deposit for antidumping duties equal to the weighted-average amount by which the normal value exceeds U.S. price. The following cash

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<sup>21</sup> See *Final Modification*, 77 FR at 8103.

<sup>22</sup> See *Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014-2015*, 81 FR 29528 (May 12, 2016), and accompanying IDM at 10-11, unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments: 2014-2015*, 81 FR 54042 (August 15, 2016).

<sup>23</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694 (October 24, 2011), for a full discussion of this practice.

deposit requirements will be effective for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the *Federal Register*, as provided by section 751(a)(2)(C) of the Act: (1) for the exporters listed in the table above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review for the exporter (except, if the dumping margin is *de minimis* (*i.e.*, less than 0.5 percent), then the cash deposit rate will be zero for that exporter); (2) for previously investigated or reviewed Chinese and non-Chinese exporters that are not listed in the table above but that have separate rates, the cash deposit rate will continue to be the exporter-specific rate established in the most recently completed segment of this proceeding; (3) for all Chinese exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity (*i.e.*, 59.72 percent)<sup>24</sup> and (4) for all non-Chinese exporters of subject merchandise that have not received their own rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties and/or countervailing duties has occurred, and the subsequent assessment of double antidumping duties and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

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<sup>24</sup> See *Common Alloy Aluminum Sheet from the People's Republic of China: Antidumping Duty Order*, 84 FR 2813 (February 8, 2019).



Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 351.221(b)(4).

Dated: February 25, 2022.

Lisa W. Wang,  
Assistant Secretary  
for Enforcement and Compliance.

## **Appendix**

### **List of Sections in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the *Order*
- IV. Discussion of the Methodology
- V. Adjustment Under Section 777A of the Act
- VI. Currency Conversion
- VII. Recommendation

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